

Assembly Concurrent Resolution

No. 84

**Introduced by Assembly Member Fuentes
(Coauthor: Assembly Member Bass)**

July 1, 2009

Assembly Concurrent Resolution No. 84—Relative to the California Constitution Revision Commission.

LEGISLATIVE COUNSEL'S DIGEST

ACR 84, as introduced, Fuentes. California Constitution Revision Commission.

The California Constitution authorizes the Legislature to propose revisions to that document.

This measure would create the California Constitution Revision Commission, prescribe its membership, and specify its powers and duties. The measure would require the commission to submit a report to the Governor and the Legislature by April 30, 2010, that sets forth its findings with respect to the formulation and enactment of a state budget and recommendations for the improvement of that process. The commission would also be required to report on specified issues relating to the structure of state governance. The measure would declare the intent of the Legislature that \$250,000 be made available from the Assembly Operating Fund and \$250,000 from the Senate Operating Fund to the commission to carry out its duties and responsibilities. The measure would declare the commission to be inoperative on July 1, 2012.

Fiscal committee: yes.

1 WHEREAS, California's budget process has become crippled
2 by a complex entanglement of constraints that interfere with an
3 orderly and comprehensive consideration of all fiscal matters; and

4 WHEREAS, A complete review of the process by an
5 independent citizens' commission would provide the Legislature
6 a basis for considering changes that would result in a more
7 thoughtful and deliberative process; and

8 WHEREAS, The legislative process has at times become mired
9 in gridlock and rivalries between the two houses of the Legislature
10 and the executive branch have deterred the state's ability to make
11 significant policy changes in response to the changing times; and

12 WHEREAS, Changes to existing government organizational
13 structures may provide a more responsive and productive form of
14 governance for California than the current system; and

15 WHEREAS, California's existing "system" of government is
16 dysfunctional and does not work together sufficiently to achieve
17 the public's goals; and

18 WHEREAS, The various components have no common
19 conception of mission and often work at cross-purposes; and

20 WHEREAS, California's Constitution has become a patchwork
21 of detailed, statutory, and regulatory material, instead of a statement
22 of the basic and fundamental law of the state, as it should be; and

23 WHEREAS, The methods by which the Constitution can be
24 amended or revised has led to the Constitution being amended
25 over 500 times since its adoption in 1849; now, therefore, be it

26 *Resolved by the Assembly of the State of California, the Senate*
27 *thereof concurring*, That there is hereby created in state government
28 the California Constitution Revision Commission, which shall
29 hereafter be deemed the "commission" and which shall consist of
30 25 members, appointed as follows:

31 (a) Ten members appointed by the Speaker of the Assembly, in
32 accordance with the following:

33 (1) No more than six members shall be registered with the same
34 political party.

35 (2) Two members shall be appointed in consultation with the
36 Assembly Minority Caucus.

37 (3) One member shall be appointed in consultation with an
38 association representing county elected officials.

39 (4) One member shall be appointed in consultation with an
40 association representing city elected officials.

(b) Ten members appointed by the Senate Committee on Rules, in accordance with the following:

(1) No more than six members shall be registered with the same political party.

(2) Two members shall be appointed in consultation with the Senate Minority Caucus.

(3) One member shall be appointed in consultation with an association representing county elected officials.

(4) One member shall be appointed in consultation with an association representing city elected officials.

(c) A designee of the Chief Justice of California.

(d) A designee of the Controller.

(e) A designee of the Treasurer.

(f) A designee of the Attorney General.

(g) A designee of the Secretary of State.

(h) A designee of the President of the University of California.

(i) The Senate Committee on Rules and the Speaker of the Assembly may each appoint no more than two Members of the Legislature to the commission; and be it further

Resolved, That all appointments to the commission meet all of the following conditions:

(a) No lobbyist, as defined in Section 82039 of the Government Code, may serve as a member of the commission.

(b) The membership of the commission shall broadly reflect the ethnic, racial, cultural, geographic, and gender diversity of the state.

(c) The membership of the commission shall also be broadly representative of the various political, economic, and social groupings within the state, with particular care given to include groups that have traditionally been underrepresented or that have been the subject of public controversy; and be it further

Resolved, That the initial appointments to the commission shall be made not later than October 1, 2009; and be it further

Resolved, That each member of the commission shall serve without compensation, but each member other than an elected officer shall receive one hundred dollars (\$100) for each day while on official business of the commission. In addition, each member shall also be entitled to receive necessary expenses actually incurred in the performance of his or her duties; and be it further

1 *Resolved*, That the commission shall select one of its members
2 as the chair of the commission; and be it further

3 *Resolved*, That the commission shall appoint four staff attorneys,
4 an administrative assistant, and a communications aide and fix his
5 or her compensation in accordance with law; that the commission
6 may employ and fix the compensation, in accordance with law, of
7 any professional, clerical, and other assistants that may be
8 necessary; and that the Legislative Counsel, Legislative Analyst,
9 State Auditor, and the Department of Finance should assist the
10 commission in the performance of its duties; and be it further

11 *Resolved*, That the commission shall assist the Legislature by
12 doing all of the following:

13 (a) Examining the process by which a budget is formulated and
14 enacted by state government, the manner in which the budget
15 serves the future needs of the state, the appropriate balance of
16 resources and spending by the state, and the fiscal relations of the
17 state, federal, and local governments, and any constraints and
18 impediments that interfere with an orderly and comprehensive
19 consideration of all fiscal matters that impact upon the development
20 of a budget for the state.

21 (b) Examining the structure of state governance and proposed
22 modifications that may increase accountability and improve the
23 process of formulation, consideration, and approval of policy
24 determinations and a budget for the state.

25 (c) Examining the feasibility of integrating community resources
26 into service delivery mechanisms in order to reduce duplication
27 and increase efficiency, and the feasibility of community coalitions
28 making recommendations to local entities regarding a community's
29 vision and goals.

30 (d) Examine the existing methods of constitutional revision and
31 amendment, and propose modifications that may help to transition
32 the Constitution into a more limited document, containing only
33 the basic and fundamental law of the state, rather than being
34 comprised mainly of detailed, statutory, and regulatory material
35 that is more appropriately adopted as statute; and be it further

36 *Resolved*, That the commission shall submit a report to the
37 Legislature on or before April 30, 2010, that sets forth its findings
38 with respect to this measure and shall also submit interim reports
39 before that date whenever it makes a finding and recommendation
40 on a specific topic; and be it further

1 *Resolved*, That, in carrying out its duties and responsibilities,
2 the commission shall have all of the following powers:

3 (a) To meet at times and places as it may deem proper, and for
4 purposes of these meetings, the commission shall be considered
5 as a state body subject to the Bagley-Keene Open Meeting Act
6 (Article 9 (commencing with Section 11120) of Chapter 1 of Part
7 1 of Division 3 of Title 2 of the Government Code).

8 (b) To issue subpoenas to compel the attendance of witnesses
9 and the production of books, records, papers, accounts, reports,
10 and documents.

11 (c) To administer oaths.

12 (d) To contract, as it deems necessary, for the rendition of
13 services, facilities, studies, and reports to the commission as will
14 best assist it to carry out its duties and responsibilities.

15 (e) To cooperate with and to secure the cooperation of county,
16 city, city and county, and other local law enforcement agencies in
17 investigating any matter within the scope of its duties and
18 responsibilities, and to direct the sheriff of any county or any
19 marshal to serve subpoenas, orders, and other process.

20 (f) To secure directly from every department, agency, or
21 instrumentality full cooperation, access to its records, and access
22 to any information, suggestions, estimates, data, and statistics that
23 it may have available.

24 (g) To do any and all things necessary or convenient to enable
25 it to fully and adequately perform its duties and to exercise the
26 powers expressly granted to it; and be it further

27 *Resolved*, That it is the intention of the Legislature that the sum
28 of two hundred fifty thousand dollars (\$250,000) be made available
29 from the Assembly Operating Fund, and the sum of two hundred
30 fifty thousand dollars (\$250,000) be made available from the Senate
31 Operating Fund to the California Constitution Revision
32 Commission established by this measure to carry out its duties and
33 responsibilities as specified in this measure; and be it further

34 *Resolved*, The formation of the California Constitution Revision
35 Commission shall begin immediately upon passage of this measure
36 by the Assembly and the Senate; and be it further

37 *Resolved*, That the commission shall cease to operate on July
38 1, 2012; and be it further

- 1 *Resolved*, That the Chief Clerk of the Assembly transmit copies
- 2 of this resolution to the author for appropriate distribution.

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